

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor	:	Lars LIDGREN)	I hereby certify that this paper (and/or fee) is being electronically filed with the United States Patent and Trademark Office on this date:
U.S. Serial No.	:	10/500,814)	
Filed	:	July 7, 2004)	
Title	:	Device For Mini-Invasive Ultrasound Treatment of an Object By a Heat-Isolated Transducer)	Dated: December 1, 2009
Art Unit	:	3768)	<u>/Keith R. Jarosik/</u> Keith R. Jarosik
Examiner	:	Sanjay CATTUNGAL)	Registration No. 47,683

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR WITHDRAWAL OF THE FINAL REJECTION STATUS

Dear Sir:

This is in partial response to the Final Office action dated November 9, 2009, and having a shortened statutory period for reply set to expire on February 9, 2009. The applicants respectfully request the reconsideration and withdrawal of the FINAL Rejection Status of this application.

Remarks begin on page 2 of this paper.

REMARKS

The applicants would like to thank Examiner Cattungal for the courtesies extended in discussing the finality of the present action with the undersigned. As discussed with Examiner Cattungal, in the Office action dated November 9, 2009, a new ground of rejection was introduced on unamended claims and based on information submitted with a statement under 37 CFR 1.97(e). Under MPEP §609.04(b)(II)(A)(1), however, a final rejection is not appropriate “if information submitted during the period set forth in 37 CFR 1.97(c) with a statement under 37 CFR 1.97(e) is used in a new ground of rejection on unamended claims.”

Specifically, the Information Disclosure Statement submitted October 12, 2009, includes a certification statement under 37 CFR §1.97(e) that each item of information contained in the IDS was first cited in a communication (e.g., the European Search Report) from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the IDS. The applicants note that Chapelon (U.S. 5,720,287) is an English family member of FR 2715822, and therefore the certification under 37 CFR §1.97(e) is proper.

Accordingly, the applicants respectfully request reconsideration and withdrawal of the FINAL STATUS of the rejection. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

Ladas & Parry LLP
224 South Michigan Ave.
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Chicago, Illinois 60604

Dated: December 1, 2009

/Keith R. Jarosik/

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